

REMARKS

Applicant respectfully thanks the Examiner for the consideration provided to this application, and respectfully requests reconsideration of this application.

The Examiner is further thanked for indicating that claim 21 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 21 has been cancelled without prejudice or disclaimer.

Each of claims 1, 18, and 23 has been amended for at least one reason unrelated to patentability, including at least one of to: improve consistency; satisfy stylistic preference; address an informality; explicitly present one or more elements, limitations, phrases, terms, and/or words implicit in the claim as originally written when viewed in light of the specification, thereby not narrowing the scope of the claim; detect infringement more easily; enlarge the scope of infringement; cover different kinds of infringement (direct, indirect, contributory, induced, and/or importation, etc.); expedite the issuance of a claim of particular current licensing interest; to target the claim to a party currently interested in licensing certain embodiments; enlarge the royalty base of the claim; cover a particular product or person in the marketplace; and/or target the claim to a particular industry and/or field of use.

Descriptive support for the amendment to each of claims 1, 18, and 23 can be found in the originally-filed application at least at paragraphs 18 and 124.

Claims 1-34 are now pending in this application. Each of claims 1, 18, and 23 is in independent form.

I. The Restriction Requirement

Page 3 of the present Office Action asserts that “the common technical feature of presently cited claims in Groups I and II fails to define a contribution over Davenport et al and thus, the common technical feature does not about to a special technical feature”. Without acquiescing to the present Office Action’s position, this assertion is respectfully traversed in its entirety as moot in light of the current amendment to each of claims 1, 18, and 23. Each claim recites “a soybean protein composition”, and therefore the basis for the Restriction Requirement no longer pertains.

Consequently, Applicant respectfully requests a withdrawal of the Restriction Requirement and rejoinder of claims 23-34.

II. The Obviousness Rejections

Numbered paragraph 4 on numbered page 4 of the present Office Action rejects each of claims 1-20 and 22 under 35 U.S.C. 103(a) as being obvious, and thus unpatentable over U.S. Patent Application Publication 2003/0232914 ("Devenport").

Without acquiescing to the present Office Action's position, each of these rejections is respectfully traversed in its entirety as moot in light of the current amendment to the corresponding claim.

Consequently, reconsideration and withdrawal of these rejections is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is in clear condition for allowance. Reconsideration of the application, withdrawal of all grounds of objection and rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

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Respectfully submitted,
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